

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ZACHARY IRWIN POND,

Petitioner,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,

Respondent.

CASE NO. 3:23-cv-05599-BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Grady J. Leupold's Report and Recommendation (R&R), Dkt. 7, recommending that the Court deny pro se petitioner Zachary Pond's 28 U.S.C. § 2254 habeas petition without prejudice for failure to keep the Court apprised of his address and failure to respond to a court order. Pond has not objected or otherwise responded.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations *to which objection is made.*" 28 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). "The statute makes it clear that the district judge must review the magistrate judge's findings and

1 recommendations de novo *if objection is made*, but not otherwise.” *United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires
3 “specific written objections to the proposed findings and recommendations” in the R&R.
4 Fed. R. Civ. P. 72(b)(2).

5 The R&R is **ADOPTED**. Pond’s § 2254 habeas petition is **DENIED**, and this
6 matter is **DISMISSED without prejudice**, for failure to prosecute. The Court will not
7 permit Pond to proceed *in forma pauperis* in the event of an appeal.

8 The Clerk shall enter a **JUDGMENT** and close the case.

9 **IT IS SO ORDERED.**

10 Dated this 4th day of January, 2024.

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BENJAMIN H. SETTLE
United States District Judge